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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/227,398	01/08/1999	KENT K. LEUNG	CISCP077	8362

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2683

21

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Advisory ActionApplication No.
09/227,398Applicant(s)
Kent K. LeungExaminer
Naghmeh MehrpourArt Unit
2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED May 5, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The network device that including a counter that response in predetermined time, initiation/termination of a registration of the mobile node, would require further search. Please see attachments.

3. ☐ Applicant's reply has overcome the following rejection(s):

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: _____
- Claim(s) withdrawn from consideration: _____
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Art Unit: 2683

Response to Arguments

1. Applicant's arguments filed 5/503 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use of server that can receive accounting request from various network devices) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's argument that "*Rai neither disclose nor suggests maintaining accounting information for mobile nodes supported by a plurality of Home agents*"

Examiner states that Rai teaches Home and serving accounting collection module collect accounting data between end system and a communication server through home inter-working function and through the serving inter-working function (col 3 lines 10-16). The admitted prior art teaches a network device which supports mobile IP and is configured to send an accounting request, the accounting request identifying a mobile node, the network device is coupled to the memory, wherein the network device is adapted for updating a counter associated with the mobile node's activity that identified in the request packet using the counter of the request packet (Page 3 lines 23-30, Page 4 lines 1-5), and the network device being a Home Agent supporting the mobile node or a Foreign Agent to which the mobile node has roamed (Page 2 lines 2-6).

Art Unit: 2683

RFC 2139 teaches that the network device adapted for sending the accounting request identifying the mobile node (Page 8 section 4.2 Accounting-Response) and including the counter to a server adapted for recording accounting information associated with the mobile node (Page 8, section, Page 9 Accounting-Response, Identifier). Rai teaches a system wherein the server maintain accounting information for a plurality of network devices, a Foreign Agent adapted for sending an accounting request to the server being, in order to update accounting information associated with a mobile node (see figures 16, 35, col 20 lines 23-34). Therefore, the combination of admitted prior art, RFC and Rai do teach a Foreign Agent adapted for sending an accounting request to the server to update accounting information associated with a mobile node, therefore, the server maintain accounting information for a plurality of network devices (Foreign Agent) (col 2 lines 23-34). In order to provide category of services such as faster access, quality of service based on accounting, and also enable the wireless services providers to offer more services, with better market segmentation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Rai fails to teach the type of data collected by the accounting collection modules) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2683

Examiner states that the admitted prior art a counter indicates number of packets and number of bytes that received and send to the mobile node (page 3 lines 27-28).

In response to applicant's argument that *RFC 2139 and Rai neither discloses nor suggests using a counter indicates number of packets and number of bytes that received and send to the mobile node the format of bytes*, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The admitted prior art teaches a counter indicates number of packets and number of bytes that received and send to the mobile node (page 3 lines 27-28).

In response to applicant's argument that *the admitted prior art fails to teach that the accounting reply acknowledging logging of the accounting information pertaining to the mobile node.*, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Since RFC 2139 teaches that the accounting reply acknowledging logging of the accounting information pertaining to the mobile node (Page 4 section 2 operation). Therefore, it would have been obvious to the ordinary skill in

Art Unit: 2683

the art at the time the invention was made to provide teaching of RFC 2139 to the admitted prior art, in order to let the mobile know that the registration is complete

Conclusion

2. Any responses to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308--6296, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Application/Control Number: 09/227,398

Page 6

Art Unit: 2683

May 12, 2003



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600